

REMARKS

In the Office Action dated July 17, 2007, the Examiner rejected claims 1-2, 4-12, and 14-15 under 35 U.S.C. §103(a) as unpatentable over Doyle, U.S. Patent No. 6,381,696. Claim 3 and 13 were rejected as unpatentable over Doyle in view of Bennett et al., U.S. Patent No. 5,664,186 ("Bennett"). No claims were allowed.

In the Office action, the Examiner relies upon Doyle to show a method of obscuring data files that have a lifetime, after which they are destroyed. Doyle teaches an encryption system that uses public key encryption, a system wherein the key is made part of the data that is encoded. Encrypted key information is transferred by the system, and a second key is employed as part of the authentication process. The private key is subsequently destroyed after a time interval. See col. 8, lines 36-50, of Doyle. On pages 2-3 of the Office action, the Examiner acknowledges that Doyle fails to disclose applicants' applying random bit mask-obscuring process to data files, but says it would be obvious to do so on by-product, spool-associated data files relative to non-volatile media. The Examiner further asserts that it would be obvious to apply a specific encryption method, "such as random bit masking," to the data files.

Applicants respectfully submit that the rejection based on Doyle represents a fundamental misunderstanding of their claimed invention. In applicants' method, only image or print file data is transferred from a client to a printer or other imaging device, and the invention is directed to obscuring data that is not part of the data transferred. The invention is a

method for locating and identifying remnants of control or transmission instructions, or left-over residue from buffered data, or the like, called by-product data files, that might be retained on non-volatile media after transit of the print job or other image data. Such by-product data files might be probed, after the subject print job file has been transferred through the transit zone, to recover all or part of the print job. The principle purpose of applicants' invention is to obscure and destroy those by-product files, to prevent such recovery. The invention has nothing to do with whether or not the print job itself was encrypted. Doyle's time-limited public key exchange system does not involve, nor does the Doyle patent disclose, teach or suggest, the existence of, or concern about, by-product data files of the type applicants' invention addresses. See page 2 of the Office action, the last sentence of paragraph 3, where the Examiner acknowledges that Doyle fails to disclose essentially what applicants claim.

Nevertheless, to help clarify their invention, applicants have revised claim 1, and the dependent claims. The claims specify a method for locating, identifying, and obscuring by-product data files after transit of a print job from a client device to an imaging device. Nothing in Doyle's invention has anything to do with the issue of remnant by-product data files. The subject is absent from the patent. Applicants, therefore, submit that Doyle cannot render their invention obvious, particularly in view of the Examiner's acknowledgement of what Doyle fails to show.

In rejecting claim 3, the Examiner cites Doyle together with Bennett. The Bennett patent is a file backup system which has absolutely no teaching or discussion of the issue of applicants' claimed invention, by-product data files. Bennett is presumably cited because it uses the term

"shadow" copy. See col. 5, line 44, for example. Applicants have amended claim 3 to remove the word "shadow" and have substituted the definition of the term provided in their specification. Since neither Bennett nor Doyle discloses, teaches, or suggests any subject matter related to remnant by-product data files, it is submitted that the combination of the two cited patents does not, and could not, render applicants' invention obvious.

In rejecting claim 13, the Examiner again cites a combination of Doyle and Bennett. According to the Examiner, Doyle teaches a method for obscuring data files that is accomplished by encrypting the data files at different stages in the data transmission process, to prevent tampering. Bennett is cited because they teach a file loading mechanism for data files. Neither patent has anything to do with applicants' claimed system for obscuring remnant data files using random bit masking. Random bit masking is not encryption. It is an overwriting process that physically destroys data at the location where it is applied, and it usually applied several times to ensure such destruction. Applicants' method briefly locks the identified by-product files to ensure such destruction takes place. It has nothing to do with encryption or the locking of the print data file. Neither Doyle nor Bennett discloses any of applicants' claimed steps, let alone render applicants' invention obvious.

Amended independent claim 1, and the claims dependent therefrom, define a method for locating, identifying, and obscuring by-product data files of a type clearly defined in the claims. For the reasons discussed above, neither Doyle nor Bennett, either alone or in combination, offers any teaching whatsoever of the claimed invention, other than providing general subject matter context, i.e., they deal with data files. Applicants respectfully

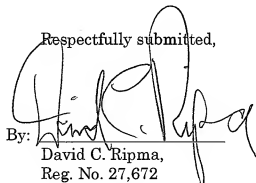
submit that the Examiner acknowledges as much in paragraphs 3, 11, and 12 of the Office action. The amended claims are, therefore, allowable over Doyle and Bennett.

This response is accompanied by a Petition for Extension of Time Under 37 C.F.R. §1.136(a) requesting a three-month extension, together with a deposit account authorization for the fee therefore.

In view of the foregoing, applicants respectfully request reconsideration of the application, as amended, and ask that it be passed to issue.

The Commissioner is hereby authorized to charge or credit any deficiencies or overpayments in connection with this filing to Deposit Account No. 19-1457.

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Respectfully submitted,

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